APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,050	09/19/2000	Mark Anderson	MBHB00,648	5666

20306 7590 05/06/2004		EXAMINER
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ART UNIT	PAPER NUMBER
2153	

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DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/665,050	ANDERSON ET AL.
	Examiner	Art Unit	
	Kevin Parton	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 February 2004</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-9 and 15-18</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Inventorship

1.   In view of the papers filed 04/05/2001, it has been found that this nonprovisional

application, as filed, through error and without deceptive intent, improperly set forth the

inventorship, and accordingly, this application has been corrected in compliance with 37

CFR 1.48(a). The inventorship of this application has been changed by adding the names Ray

Winninger and John Conmy.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for

issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to

reflect the inventorship as corrected.

Response to Arguments

2.   Applicant's arguments with respect to claims 1 and 15 have been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. Specifically, in claim 1, the phrase "receiving configuration data from the service

provider." Is unclear because the entity that is receiving the configuration data is not clearly

pointed out. The claims have been examined assuming that the client is receiving the

configuration data.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1, 2, 4, 5, 7, 9, 15, 16, and 18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Bourke-Dunphy et al. (USPN 6,449,642).

7.   Regarding claim 1, Bourke-Dunphy et al. (USPN 6,449,642) teach a system for

automatically configuring a client device for communication with a service provider with means

for:

a. Selecting a service provider by a user on the client device (column 5, lines 31-

33).

b. Entering user information data on the client device, wherein the user

information data can be used by one of the plurality of service providers to

create configuration data for the client device used to configure the client

device to access the service provider (column 6, lines 31-37, 58-59; figure 3,

elements 85, 87; figure 14b; column 7, lines 7-11). Please note that a login

script is created for access to the service provider.

c. Accessing the service provider by the client device and providing user

information data to the service provider (column 6, lines 31-37, 58-59; figure

3, figure 14b).

       d. Receiving configuration data from the service provider (column 6, lines 31-

37, 58-59; figure 3, figure 14b).

       e. Configuring the client device based on the configuration data (column 6, lines

31-37, 58-59; figure 3, elements 85, 87; figure 14b; column 7, lines 7-11).

8.   Regarding claim 2, Bourke-Dunphy et al. (USPN 6,449,642) teach all the limitations as

applied to claim 1. They further teach means wherein the user information data comprises user

identification data and user location data (column 5, line 65-column 6, line 12).

9.   Regarding claim 4, Bourke-Dunphy et al. (USPN 6,449,642) teaches all the limitations as

applied to claim 1. They further teach means wherein a format for the user information data is

the same for each of the plurality of service providers (column 6, lines 31-37, 58-59; figure 3,

figure 14b).

10.   Regarding claim 5, Bourke-Dunphy et al. (USPN 6,449,642) teach all the limitations as

applied to claim 1. They further teach means wherein accessing the service provider comprises

accessing a server associated with the service provider (abstract; column 6, lines 31-37, 58-59;

figure 3, figure 14b).

11.   Regarding claim 7, Bourke-Dunphy et al. (USPN 6,449,642) teach all the limitations as

applied to claim 1. They further teach means wherein the configuration data comprises server

data, communication data, and user login data (column 5, line 65-column 6, line 12).

12.   Regarding claim 9, Bourke-Dunphy et al. (USPN 6,449,642) teach all the limitations as

applied to claim 1. They further teach means for storing in a memory unit of the client device

the configuration information (figure 14b; column 6, lines 31-37, 58-59; figure 3).

13.   Regarding claim 15, Bourke-Dunphy et al. (USPN 6,449,642) teach a system for

automatically configuring a client device for communication with a service provider with means

to:

     a. Query a user for a service provider (column 5, lines 31-33).

     b. Query the user for user information data (column 5, line 65 – column 6, line

         12).

     c. Send the user information data to the service provider selected by the user

         wherein the user information can be used by one of the plurality of the service

         providers to create configuration data used to configure the client device

         (column 5, line 65 – column 6, line 12; column 6, lines 31-37, 58-59; figure 3,

         elements 85, 87; figure 14b; column 7, lines 7-11).

     d. Receive the configuration data from the service provider selected by the user

         (column 6, lines 31-37, 58-59; figure 3, figure 14b).

     e. Use the received configuration data to configure internal application (column

         6, lines 31-37, 58-59; figure 3, elements 85, 87; figure 14b; column 7, lines 7-

         11)

     f. Establish a communication session with the service provider selected by the

         user (column 6, lines 31-37, 58-59; figure 3, elements 85, 87; figure 14b;

         column 7, lines 7-11). Note that login configuration for services is included.

     g. The plurality of service providers in communication with the client device,

         each service provider arranged to create the configuration data upon receipt of

         the user information data, based on the user information data and send the

configuration data to the client device (column 6, lines 31-37, 58-59; figure 3,

elements 85, 87; figure 14b; column 7, lines 7-11). Note that configuration

information for any service can be sent.

14.   Regarding claim 16, Bourke-Dunphy et al. (USPN 6,449,642) teach all the limitations as

applied to claim 15. They further teach means wherein the client device is arranged to send the

user information data to one of the plurality of service providers in a first data structure, and the

plurality of service providers is further arranged to send the configuration data to the client in the

first data structure (column 6, lines 31-37, 58-59; figure 3, elements 85, 87; figure 14b; column

7, lines 7-11).

15.   Regarding claim 18, Bourke-Dunphy et al. (USPN 6,449,642) teach all the limitations as

applied to claim 16. They further teach means wherein the plurality of service providers is

arranged to communicate in the first data structure (column 6, lines 31-37, 58-59; figure 3,

elements 85, 87; figure 14b; column 7, lines 7-11).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

17.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bourke-Dunphy et

al. (USPN 6,449,642).

18.   Regarding claim 6, although the system disclosed by Bourke-Dunphy et al. (USPN

6,449,642) (as applied to claim 5) shows substantial features of the claimed invention, it fails to

disclose specifically means wherein accessing the server associated with the service provider

comprises a URL query.

        Nonetheless, these features are well known in the art and it would have been an obvious

modification of the system disclosed by Bourke-Dunphy et al. (USPN 6,449,642).

        A person having ordinary skill in the art would have readily recognized the desirability

and advantages of modifying Bourke-Dunphy et al. (USPN 6,449,642) by employing a URL to

access the service providers. This benefits the system because it allows maintenance to take

place via a browser which is not platform specific.

19.   Claims 3, 8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bourke-Dunphy et al. (USPN 6,449,642) in view of Young (USPN 6,477,522).

20.   Regarding claim 3, although the system disclosed by Bourke-Dunphy et al. (USPN

6,449,642) (as applied to claim 1) shows substantial features of the claimed invention, it fails to

disclose means wherein the user information data comprises an XML stream.

        Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by Bourke-Dunphy et al. (USPN 6,449,642), as evidenced

by Young (USPN 6,560,606).

        In an analogous art, Young (USPN 6,560,606) discloses a system for configuration of

network devices wherein configuration information is sent using an XML data stream (column

10, lines 4-14).

Given the teaching of Young (USPN 6,560,606), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bourke-Dunphy et al. (USPN 6,449,642) by employing the use of XML to send user information data. This benefits the system because XML is a flexible standard that can be utilized by a wide range of network accessible devices without major customization.

21.   Regarding claim 8, although the system disclosed by Bourke-Dunphy et al. (USPN 6,449,642) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the configuration data comprises an XML stream.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Bourke-Dunphy et al. (USPN 6,449,642), as evidenced by Young (USPN 6,560,606).

In an analogous art, Young (USPN 6,560,606) discloses a system for configuration of network devices wherein configuration information is sent using an XML data stream (column 10, lines 4-14).

Given the teaching of Young (USPN 6,560,606), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bourke-Dunphy et al. (USPN 6,449,642) by employing the use of XML to send configuration data. This benefits the system because XML is a flexible standard that can be utilized by a wide range of network accessible devices without major customization.

22.   Regarding claim 17, although the system disclosed by Bourke-Dunphy et al. (USPN 6,449,642) (as applied to claim 15) shows substantial features of the claimed invention, it fails to disclose means wherein the first data structure is an XML data structure.

Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by Bourke-Dunphy et al. (USPN 6,449,642), as evidenced

by Young (USPN 6,560,606).

In an analogous art, Young (USPN 6,560,606) discloses a system for configuration of

network devices wherein the first data structure is an XML data structure (column 10, lines 4-

14).

Given the teaching of Young (USPN 6,560,606), a person having ordinary skill in the art

would have readily recognized the desirability and advantages of modifying Bourke-Dunphy et

al. (USPN 6,449,642) by employing the use of XML to send user information data. This benefits

the system because XML is a flexible standard that can be utilized by a wide range of network

accessible devices without major customization.

Allowable Subject Matter

23.   Claims 10-14 and 19-24 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The

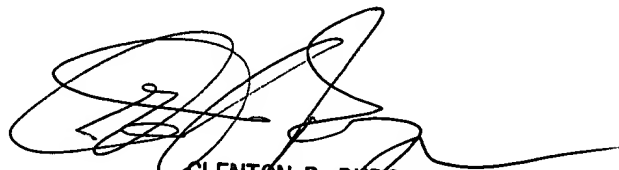examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kevin Parton
Examiner
Art Unit 2153

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ksp

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